IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 23158 of 2006(F)

PETITIONER:

K.P.KURIACHAN, AGED 49 YEARS,
S/O. K.P.PHILIPOSE, KALAPURAKKAL HOUSE,
MULAMTHURUTHI VILLAGE, PERUMPILLY P.O.
(HONOURARY SECRETARY OF H.M.T. MACHINE TOOLS STAFF AND
WORKERS CREDIT CO-OPERATIVE SOCIETY LTD.NO.302,
HMT COLONY POST, KALAMASSERY.

BY ADV. SRI.ESM.KABEER

RESPONDENTS:

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1. THE CONSUMER DISPUTES REDRESSAL FORUM,
ERNAKULAM, REPRESENTED BY ITS PRESIDENT,
DISTRICT FORUM, ERNAKULAM.

2. K.VASANTHI,
KANJIRAPARAMBIL, ANCHUMANA ROAD,
MAMANGALAM, P.O.EDAPPALLY, KOCHI-24.

ADDL.R3

3. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), ERNAKULAM
(Impleaded as per the order dated 21.12.2006, in I.A.17832/2006)

BY ADV. SRI.C.S.AJITH PRAKASH
GOVERNMENT PLEADER P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT DATED 9.8.2006

EXT.P2- TRUE COPY OF THE NOTICE IN C.C.NO.347/2006 ISSUED BY THE 1ST RESPONDENT DATED 11.8.2006

EXT.P3- TRUE COPY OF THE ORDER IN W.P.(C).21419/2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 23158/2006

Dated this the 21st day of December, 2006

JUDGMENT

The second respondent had made fixed deposit in the Society in which, the writ petitioner is the President. Though it became matured and due to be returned to the second respondent, it was not done because of the paucity of funds. Therefore, the second respondent approached the first respondent, The Consumer Disputes Redressal Forum, Ernakulam, who issued notice to the Society. The same is under challenge through this writ petition, by the President of the Society.

2. I heard the arguments advanced by either side. During the pendency of the writ petition, I.A.No.17832/2006 was filed and the Joint Registrar of Co-operative Society (General), Ernakulam, was impleaded as additional third respondent.

3. The deposit of the amount by the second respondent, the same having been matured and became due to return to the second respondent, are admitted by the writ petitioner. The Joint Registrar was brought into

the party array, so that the plea of the writ petitioner as well as the claim of the second respondent could be considered on merit and disposed of.

4. Therefore, I direct the second respondent to file a representation before the additional third respondent, the Joint Registrar of Co-operative Societies (General), Ernakulam, within ten days from today and the Joint Registrar shall hear both sides and pass appropriate orders, so that the amount due to the second respondent could be released to her at the earliest. The Joint Registrar shall pass orders, in any case within two months from the date of production of a copy of this judgment.

5. As the Joint Registrar is directed to dispose of the matter between the second respondent and the Society, represented by the writ petitioner, the former, the second respondent, shall withdraw the proceedings that had been initiated before the first respondent.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs